



City of Seattle

---

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2305466  
**Applicant Name:** Nick Jenkins  
**Address of Proposal:** 1509 44<sup>th</sup> Avenue Southwest

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into five unit lots. Proposed lot sizes are: 1) 1,710 square feet; 2) 1,357 square feet; 3) 1,657 square feet; 4) 1,904 square feet; and 5) 1,987 square feet. Construction of townhouses has been reviewed and approved under related Master Use Permit #2203570.

The following approval is required:

**Short Subdivision** - to create five unit lots.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site & Area Description**

The 8,658-square foot site is located on the west side of 44<sup>th</sup> Avenue SW, mid-block between SW Atlantic Street and SW Seattle Street in West Seattle. 44<sup>th</sup> Avenue SW is improved with curb, gutter, and sidewalk on both sides of the street at the site location. Vehicular access to the site would be provided via the existing alley at the rear of the site.

The construction of three ground-related dwelling units and two single-family residences was reviewed and approved under Master Use Permit #2203570. The site was previously developed with a warehouse structure which has now been demolished. The two single-family residences

front on 44<sup>th</sup> Avenue SW, and the three ground-related units are within one structure located behind the single-family residences. All five units would have vehicular access via the alley; garage parking for each of the units is located within the structure containing the ground-related dwelling units.

The subject property is zoned Residential, Multifamily, Lowrise 1 (L1). The site is not located in any mapped or observed environmentally critical area (ECA).

Development in the area primarily consists of single-family and multi-family residential uses. Property to the immediate north and south is zoned L1. Property to the east (across 44<sup>th</sup> Avenue SW) is zoned Residential, Multifamily, Lowrise 2 (L2). Property to the west (across the alley) is zoned Residential, Single-family 5,000 (SF 5000).

### Proposal Description

The proposal is to subdivide one parcel (the “parent lot”) into five unit lots with vehicular access provided from an existing alley. Parking for each of the five units would be provided on proposed Parcels 1, 2, and 3 (with easements for parking for Parcels 4 and 5). Proposed Parcels 4 and 5 would have direct pedestrian access to 44<sup>th</sup> Avenue SW, and pedestrian access to the street for Parcels 1, 2, and 3 would be provided via a four-foot wide common access easement.

The construction of ground-related dwelling units and single-family residences was reviewed for consistency with the applicable provisions of the Seattle Municipal Code under a separate permit (Master Use Permit #2203570). The subject of this analysis and decision is only the proposed subdivision of land.

### Public Comments

The comment period for this proposal ended on September 10, 2003. One written comment was received concerning parking requirements reviewed under the related construction permit.

### **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless specific criteria are met. Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

#### *1. Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for multi-family residential use. The lots to be created by this unit subdivision might not individually meet all of the standards of SMC Chapter 23.45 for Lowrise 1 zones including setbacks, density, and structure width and depth. However, the development as a whole was reviewed for compliance with applicable standards under the related construction permit review. The development must continue to meet applicable standards when considered as a whole.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

All of the proposed unit lots would have vehicular access to either SW Atlantic Street or SW Seattle Street via the existing alley located at the rear of the site.

All private utilities are available in this area. Seattle City Light would provide electrical service to the proposed unit lot subdivision. After reviewing the proposal, City Light requires an easement to provide electrical facilities and service to the proposed unit lots (Easement "A" – P.M. #240311-2-012).

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision.

Provisions for address signage visible from 44<sup>th</sup> Avenue SW should be made for proposed Parcels 1, 2, and 3.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and storm drain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The Short Plat application has been reviewed by Seattle Public Utilities, and Water Availability Certificate #2003-0914 was issued August 18, 2003.

Drainage review was conducted and approved in conjunction with the development project. Approved sidesewer permit #6015119 provides for sewer discharge to an existing 15-inch combined sewer located in 44<sup>th</sup> Avenue SW and for drainage to the curb. The legal descriptions and survey drawings should include the sidesewer easements associated with permit #6015119.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short subdivision is consistent with minimum Land Use Code provisions. The development would have adequate access for vehicles, utilities, and fire protection and would have adequate drainage, water supply, and sanitary sewage disposal. Therefore, the public use and interests would be served by permitting the proposed unit lot subdivision of land. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas.*

This site is not located in a mapped or otherwise observed environmentally critical area as defined in SMC 25.09.240.

6. *Is designed to maximize the retention of existing trees.*

Prior to review of the related construction permit (Master Use Permit #2203570) there were no trees on the site. The approval of the proposed unit lot subdivision would not disturb any trees planted according to the approved landscape plan for the related construction permit.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

The applicant has received approval to construct three ground-related dwelling units and two single-family residences on the parent lot. Pursuant to SMC 23.24.045(B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards.

To assure that future owners have constructive notice that additional development may be limited due to nonconformities; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on the face of this plat are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Municipal Code.*

The conformance of the proposed development as a whole with the applicable Land Use Code Provisions was reviewed under Master Use Permit #2203570. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. Consistent with SMC 23.24.045(C), additional development of the proposed unit lots may be limited. Subsequent platting actions or additions or modifications to the structure(s) shall not create or increase any nonconformity of the parent lot. Consistent with SMC 23.24.045(D), access easements and joint use and maintenance agreements shall be executed for shared walls on property lines, and driveway and pedestrian access.

The proposed short subdivision conforms to the provisions of SMC 23.24.045 for Unit Lot Subdivisions.

## **SUMMARY - SHORT SUBDIVISION**

This unit subdivision would be provided with adequate vehicular and emergency access and with public and private utilities. Adequate provisions for water supply and sanitary sewage disposal would be provided for each lot, and service is assured subject to standard conditions governing utility extensions. Adequate provisions for drainage control have also been provided.

## **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

## **CONDITIONS - SHORT SUBDIVISION**

### *Conditions of Approval Prior to Recording:*

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat, and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Relabel the unit lots as "A, B, C, D, and E" instead of "1, 2, 3, 4, and 5."
4. Update the signature block to indicate that the department is now the "Department of Planning and Development" and that "D.M. Sugimura" is the department director.
5. Include an easement to provide for electrical facilities and service to the proposed lots as required by Seattle City Light (Exhibit "A," Easement P.M. #240311-2-012) on the final documents.
6. Include the sidesewer easements associated with sidesewer permit #6015119 in the new legal descriptions, show the easements on the survey drawings.
7. On the face of the plat, provide easements or covenants to allow for the proper posting of address signage visible from 44<sup>th</sup> Avenue SW for proposed parcels without street frontage (Parcels 1, 2, and 3).
8. Insert the following note on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Municipal Code."

Signature: (signature on file) Date: November 10, 2003  
Leslie C. Clark, AICP  
Land Use Planner